

FOR PUBLICATION
JUDICIAL COUNCIL
OF THE NINTH CIRCUIT

IN RE COMPLAINT
OF JUDICIAL MISCONDUCT

No. 11-90193
ORDER

Filed July 25, 2012

ORDER

KOZINSKI, Chief Judge:

Complainant alleges that a district judge was biased against him. But “complainant hasn’t provided any objectively verifiable proof (for example, names of witnesses, recorded documents or transcripts) to support these allegations, and adverse rulings alone do not constitute proof of bias.” *In re Complaint of Judicial Misconduct*, 583 F.3d 598, 598 (9th Cir. Jud. Council 2009).

Complainant also alleges that the judge generally favors corporations and other institutional entities over individuals. Complainant tries to support this claim with what purports to be a statistical analysis of a large number of the judge’s opinions. While statistics can be used to prove a proposition, they can be misleading if not rigorously developed and properly interpreted by an objective evaluator.

Complainant concedes his statistics aren’t rigorous. He doesn’t say precisely how he selected his sample pool, which appears to be a mix of both civil and criminal cases and doesn’t include all of the judge’s opinions. And complainant generated and evaluated the case data himself, rather than using an objective, professionally trained statistician. He also

did not consider how many of the judge's rulings have been affirmed or reversed on appeal. Most significantly, complainant provides no baseline. Without a baseline, there's no way to tell whether the number of opinions favoring individuals is low, high or on a par with other judges who ruled on a similar mix of cases.

Assuming that favoring non-corporeal entities over individuals could amount to misconduct, complainant has provided no proof that the judge's opinions reflect any such bias.

DISMISSED.